

**Notice of Allowability**

Application No.

09/981,165

Examiner

Ashok B. Patel

Applicant(s)

DISPENSA ET AL.

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/4/2007.
2. ☒ The allowed claim(s) is/are 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-24 are allowed.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kyle J. Way on 05/14/2007.

3. The application has been amended as follows:

**A. In the claims:**

- a. Claim 9 (Currently Amended) A software product for ~~managing~~ a Remote Monitoring (RMON) management system, the software product comprising:

RMON management software operational when executed by a processor to direct the processor to generate and transmit a first instruction for an RMON probe to request a first portion of RMON information, receive and store the first portion of the RMON information in memory in ~~a performance~~ the Remote Monitoring (RMON) management system, generate and transmit a second instruction for an RMON manager configured to access the RMON probe to request a second portion of the RMON information, receive and store the second portion of the RMON information in the memory in the ~~performance~~ Remote Monitoring (RMON) management system, generate and transmit a third instruction for an RMON database configured to be

accessed by the RMON manager to request a third portion of the RMON information, and receive and store the third portion of the RMON information in memory in the ~~performance~~ Remote Monitoring (RMON) management system; and

a software storage medium operational to store the RMON management system software.

**B. In the Specification:**

Please amend page 10, line 1-2

~~FIG. 20 is a block diagram of a market hub with head ends for channel probe management in an example of the invention.~~

**REASONS FOR ALLOWANCE**

**4. The following is an examiner's statement of reasons for allowance:**

Applicant's arguments that neither Hansen, Abdelnour, Fletcher, William Stallings nor Booman disclose the claimed invention are persuasive as presented in responses dated 02/28/2006 (pages 6 and 7), 07/17/2006 (page 6) , and 05/04/2007 (page 6) wherein the Applicant points out the claim relevancy strictly to the Figures 23 and 24, clearly indicating that "Figs. 23 and 24 provide an example of one specific system and method for managing such an RMON system, as provided by way of an RMON interface system 2310 shown in Fig. 23.", and "Fig. 23 provides a graphical representation of an example of such a system in which an RMON probe 2210, an RMON manager 2220 configured to access the RMON probe 2210, and an RMON database 2230 configured to be accessed by the RMON manager 2220 each receive instructions from, and send different portions of RMON information to, a management

system....." and the teaching of the prior art references is disclosed in Fig. 22. None of the prior arts of record teach or suggest the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached o If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Abp

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